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SEED INTELLECTUAL PROPERTY LAW GROUP PLLC  
701 FIFTH AVENUE, SUITE 6300  
SEATTLE, WA 98104-7092

EXAMINER

MANNING, JOHN

ART UNIT	PAPER NUMBER
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2614

DATE MAILED: 02/13/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/728,672

Applicant(s)

TOMSEN, MAI-LAN

Examiner

John Manning

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 2+6
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_.

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1. Claims 1-6, 9-11, 14-19, and 21-22 are rejected under 35 U.S.C. 102(e) as being anticipated by Voyticky et al. (US Pat No 6,637,028).

In regard to claim 1, Voyticky et al. discloses a method and apparatus that enables a user to store "event information" while watching a television broadcast. The disclosed method and apparatus provide a broadcast segment as part of an "interactive" television transmission. The "television programs are broadcast from the broadcaster 104 (e.g., a television station) to the user's home in any conventional manner, including for example, broadcasts via a cable service 108. Alternatively, other types of broadcasts can be used, including, for example, satellite and ground based antennas transmissions (not shown). Traditional television commercials may be interspersed with the programs and broadcast over the same medium in a conventional manner" (Col 5, Lines 24-31). Upon a first command received from the user input device, information associated with a transaction related to the broadcast segment is stored. "Each time the user 101 presses the event button, the remote 105 stores event information" (Col 5,

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Lines 62-63). Upon demand, the information associated with the transaction and content related to the broadcast segment is provided. "After the event information has been transferred from the handheld remote 105 into the home computer 106, the home computer 106 establishes a connection with the central server 107 via the Internet, and sends the event information to the server" (Col 6, Lines 16-20). Then the "server 107 then determines an assortment of products that were displayed on the user's television 102 when the user pressed the event button on the remote 105, for each press of the event button" (Col 6, Lines 43-46). "The central server 107 then sends information about this assortment of products back to the home computer 106 via the Internet." (Col 6, Lines 50-52).

In regard to claim 2, storing the information defers the transaction until the second set of commands is received. "This indication could be made, for example, by pressing a button on a customized handheld remote control. In some preferred embodiments, the system stores these indications. After the user has finished watching the program (or at such other time, as the user may desire), these indications are transferred to a remote server, which presents to the user information about the products that were being displayed at the time the user made each indication" (Col 2, Lines 64-67; Col 3, Lines 1-4).

In regard to claim 3, the broadcast segment can comprise a commercial. "This arrangement is advantageous to broadcasters because it expands commercialization into the time that the television program itself is being broadcast. It can even be used to

commercialize products that appear during the commercials themselves (such as the shoes being worn by the spokesperson in a commercial for a car)" (Col 6, Lines 62-67).

In regard to claim 4, the items of interest are displayed in a "shopping cart" (Figures 19-20). Information relating to the items in the "shopping cart" is provided. Upon user interest of a product in the "shopping cart" the user can gain context information such as a still image or a video clip of the selected product. "The server 107 then determines an assortment of products that were displayed on the user's television 102 when the user pressed the event button on the remote 105, for each press of the event button. This is accomplished by referencing a previously inputted product data base that indicates which products appear in the program being watched, and the times that they appear (measured in program time). The central server 107 then sends information about this assortment of products back to the home computer 106 via the Internet. This can be accomplished, for example, by sending a web page or database to the home computer 106" (Col 6, Lines 43-55).

In regard to claim 5, the reference discloses streaming a portion of the broadcast segment as context information. A "video clip of the selected moment of the program may be displayed" (Col 6, Lines 59-60).

In regard to claim 6, supplemental information is provided related to the broadcast. "This arrangement is advantageous to broadcasters because it expands commercialization into the time that the television program itself is being broadcast. It can even be used to commercialize products that appear during the commercials

themselves (such as the shoes being worn by the spokesperson in a commercial for a car)" (Col 6, Lines 62-67).

In regard to claim 9, the disclosed system connects to a communications network so as to obtain information pertain to the transaction. "The server 107 then determines an assortment of products that were displayed on the user's television 102 when the user pressed the event button on the remote 105, for each press of the event button. This is accomplished by referencing a previously inputted product data base that indicates which products appear in the program being watched, and the times that they appear (measured in program time). The central server 107 then sends information about this assortment of products back to the home computer 106 via the Internet. This can be accomplished, for example, by sending a web page or database to the home computer 106" (Col 6, Lines 43-55).

In regard to claim 10, the disclosed system is a machine-readable medium comprising machine-readable instruction characterized in Figures 1-3. Voyticky et al. discloses a method and apparatus that enables a user to store "event information" while watching a television broadcast. The disclosed method and apparatus provide a broadcast segment as part of an "interactive" television transmission. The "television programs are broadcast from the broadcaster 104 (e.g., a television station) to the user's home in any conventional manner, including for example, broadcasts via a cable service 108. Alternatively, other types of broadcasts can be used, including, for example, satellite and ground based antennas transmissions (not shown). Traditional television commercials may be interspersed with the programs and broadcast over the

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same medium in a conventional manner" (Col 5, Lines 24-31). Upon a first command received from the user input device, information associated with a transaction related to the broadcast segment is stored. "Each time the user 101 presses the event button, the remote 105 stores event information" (Col 5, Lines 62-63). Upon demand, the information associated with the transaction and content related to the broadcast segment is provided. "After the event information has been transferred from the handheld remote 105 into the home computer 106, the home computer 106 establishes a connection with the central server 107 via the Internet, and sends the event information to the server" (Col 6, Lines 16-20). Then the "server 107 then determines an assortment of products that were displayed on the user's television 102 when the user pressed the event button on the remote 105, for each press of the event button" (Col 6, Lines 43-46). "The central server 107 then sends information about this assortment of products back to the home computer 106 via the Internet." (Col 6, Lines 50-52).

In regard to claim 11, the items of interest are displayed in a "shopping cart" (Figures 19-20). Information relating to the items in the "shopping cart" is provided. Upon user interest of a product in the "shopping cart" the user can gain context information such as a still image or a video clip of the selected product. "The server 107 then determines an assortment of products that were displayed on the user's television 102 when the user pressed the event button on the remote 105, for each press of the event button. This is accomplished by referencing a previously inputted product data base that indicates which products appear in the program being watched, and the times

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that they appear (measured in program time). The central server 107 then sends information about this assortment of products back to the home computer 106 via the Internet. This can be accomplished, for example, by sending a web page or database to the home computer 106" (Col 6, Lines 43-55).

In regard to claim 14, the disclosed system connects to a communications network so as to obtain information pertain to the transaction. "The server 107 then determines an assortment of products that were displayed on the user's television 102 when the user pressed the event button on the remote 105, for each press of the event button. This is accomplished by referencing a previously inputted product data base that indicates which products appear in the program being watched, and the times that they appear (measured in program time). The central server 107 then sends information about this assortment of products back to the home computer 106 via the Internet. This can be accomplished, for example, by sending a web page or database to the home computer 106" (Col 6, Lines 43-55).

In regard to claim 15, the disclosed system comprises a communications interface so as to receive supplemental information regarding the interactive television transmission. "After the event information has been transferred from the handheld remote 105 into the home computer 106, the home computer 106 establishes a connection with the central server 107 via the Internet, and sends the event information to the server" (Col 6, Lines 16-20). Then the "server 107 then determines an assortment of products that were displayed on the user's television 102 when the user pressed the event button on the remote 105, for each press of the event button" (Col 6,



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Lines 43-46). Also disclosed is a processor 201, responsive to a first command received from the user input device/keypad 205 stores data/supplemental information associated with a transaction related to the broadcast segment. "The I/O adapter 204 enables the processor 201 to determine which keys on the keypad 205 are being pressed, in any conventional manner. In addition, the I/O adapter 204 enables the processor 201 to communicate with an IR transceiver 207. The Vishay Telefunken TFDT5500 is an example of a suitable IR transceiver 207. The I/O adapter 204 also enables the processor 201 to write to the liquid crystal display 206, also in any conventional manner. The handheld remote of this embodiment performs three distinct functions: control of the devices in the user's home (e.g., the television 102 and the cable box 103 shown in FIG. 1), recording of events, and communication with the home computer 106 (also shown in FIG. 1), recording of events, and communication with the home computer 106 (also shown in FIG. 1)" (Col 7, Lines 20-34). There is a processor in the home computer 106, responsive to the "second command" that displays a portion of the broadcast segment as well as other supplemental information from storage in server 107. "The central server 107 then sends information about this assortment of products back to the home computer 106 via the Internet. This can be accomplished, for example, by sending a web page or database to the home computer 106. The product assortment is then presented to the user 101 on the display of home computer 106. The product assortment can be presented to the user in any number of ways. For example, a set of windows can be used, with one window representing each product in

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the assortment. Alternatively, a still image or a video clip of the selected moment of the program may be displayed" (Col 6, Lines 43-60).

In regard to claim 16, the items of interest are displayed in a "shopping cart" (Figures 19-20). Information relating to the items in the "shopping cart" is provided. Upon user interest of a product in the "shopping cart" the user can gain context information such as a still image or a video clip of the selected product. "The server 107 then determines an assortment of products that were displayed on the user's television 102 when the user pressed the event button on the remote 105, for each press of the event button. This is accomplished by referencing a previously inputted product data base that indicates which products appear in the program being watched, and the times that they appear (measured in program time). The central server 107 then sends information about this assortment of products back to the home computer 106 via the Internet. This can be accomplished, for example, by sending a web page or database to the home computer 106" (Col 6, Lines 43-55).

In regard to claim 17, the disclosed system can be implemented in a set top box. "One such modification is depicted in FIG. 22 which shows implementing the present invention in an operating system application space on a computer, a TV set-top box, or a digital TV" (Col 23, Lines 41-44).

In regard to claim 18, the disclosed system can be implemented in a display device. "One such modification is depicted in FIG. 22 which shows implementing the present invention in an operating system application space on a computer, a TV set-top box, or a digital TV" (Col 23, Lines 41-44).

In regard to claim 19, the disclosed system comprises a communications interface so as to receive supplemental information regarding the interactive television transmission. "After the event information has been transferred from the handheld remote 105 into the home computer 106, the home computer 106 establishes a connection with the central server 107 via the Internet, and sends the event information to the server" (Col 6, Lines 16-20). Then the "server 107 then determines an assortment of products that were displayed on the user's television 102 when the user pressed the event button on the remote 105, for each press of the event button" (Col 6, Lines 43-46). Also disclosed is a processor 201, responsive to a first command received from the user input device/keypad 205 stores data/supplemental information associated with a transaction related to the broadcast segment. "The I/O adapter 204 enables the processor 201 to determine which keys on the keypad 205 are being pressed, in any conventional manner. In addition, the I/O adapter 204 enables the processor 201 to communicate with an IR transceiver 207. The Vishay Telefunken TFDT5500 is an example of a suitable IR transceiver 207. The I/O adapter 204 also enables the processor 201 to write to the liquid crystal display 206, also in any conventional manner. The handheld remote of this embodiment performs three distinct functions: control of the devices in the user's home (e.g., the television 102 and the cable box 103 shown in FIG. 1), recording of events, and communication with the home computer 106 (also shown in FIG. 1), recording of events, and communication with the home computer 106 (also shown in FIG. 1)" (Col 7, Lines 20-34). There is a processor in the home computer 106, responsive to the "second command" that displays a portion

of the broadcast segment as well as other supplemental information from storage in server 107. "The central server 107 then sends information about this assortment of products back to the home computer 106 via the Internet. This can be accomplished, for example, by sending a web page or database to the home computer 106. The product assortment is then presented to the user 101 on the display of home computer 106. The product assortment can be presented to the user in any number of ways. For example, a set of windows can be used, with one window representing each product in the assortment. Alternatively, a still image or a video clip of the selected moment of the program may be displayed" (Col 6, Lines 43-60).

In regard to claim 21, there is a processor in the home computer 106, responsive to the "second command" that displays a portion of the broadcast segment as well as other supplemental information from storage in server 107. "The central server 107 then sends information about this assortment of products back to the home computer 106 via the Internet. This can be accomplished, for example, by sending a web page or database to the home computer 106. The product assortment is then presented to the user 101 on the display of home computer 106. The product assortment can be presented to the user in any number of ways. For example, a set of windows can be used, with one window representing each product in the assortment. Alternatively, a still image or a video clip of the selected moment of the program may be displayed" (Col 6, Lines 43-60).

In regard to claim 22, the items of interest are displayed in a "shopping cart" (Figures 19-20). Information relating to the items in the "shopping cart" is provided.

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Upon user interest of a product in the "shopping cart" the user can gain context information such as a still image or a video clip of the selected product. "The server 107 then determines an assortment of products that were displayed on the user's television 102 when the user pressed the event button on the remote 105, for each press of the event button. This is accomplished by referencing a previously inputted product data base that indicates which products appear in the program being watched, and the times that they appear (measured in program time). The central server 107 then sends information about this assortment of products back to the home computer 106 via the Internet. This can be accomplished, for example, by sending a web page or database to the home computer 106" (Col 6, Lines 43-55).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 7-8, 12-13, and 20 rejected under 35 U.S.C. 103(a) as being unpatentable over Voyticky et al.

In regard to claim 7, Voyticky et al. discloses a method and apparatus that enables a user to store "event information" while watching a television broadcast so as to obtain information on and purchase products which attracted their interest. The reference fails to explicitly disclose the prompting of the use to complete the transaction

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or to view additional information. However, it is submitted that it would have been clearly obvious to one of ordinary skill in the art at the time of the invention to implement the Voyticky et al. system so as to prompt the use to complete the transaction or to view additional information so as to facilitate the transaction.

In regard to claim 8, Voyticky et al. discloses a method and apparatus that enables a user to store "event information" while watching a television broadcast so as to obtain information on and purchase products which attracted their interest. The system allows the user to defer the transaction until a time at which the user is ready to complete the transaction. The items of interest are displayed in a "shopping cart" (Figures 19-20). Information relating to the items in the "shopping cart" is provided. Upon user interest of a product in the "shopping cart" the user can gain context information such as a still image or a video clip of the selected product. "The server 107 then determines an assortment of products that were displayed on the user's television 102 when the user pressed the event button on the remote 105, for each press of the event button. This is accomplished by referencing a previously inputted product data base that indicates which products appear in the program being watched, and the times that they appear (measured in program time). The central server 107 then sends information about this assortment of products back to the home computer 106 via the Internet. This can be accomplished, for example, by sending a web page or database to the home computer 106" (Col 6, Lines 43-55). The reference fails to explicitly disclose the prompting of the use to complete the transaction or to view additional information. However, it is submitted that it would have been clearly obvious to one of ordinary skill

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in the art at the time of the invention to implement the Voyticky et al. system so as to prompt the use to complete the transaction or to view additional information so as to facilitate the transaction.

In regard to claim 12, Voyticky et al. discloses a method and apparatus that enables a user to store "event information" while watching a television broadcast so as to obtain information on and purchase products which attracted their interest. The reference fails to explicitly disclose the prompting of the use to complete the transaction or to view additional information. However, it is submitted that it would have been clearly obvious to one of ordinary skill in the art at the time of the invention to implement the Voyticky et al. system so as to prompt the use to complete the transaction or to view additional information so as to facilitate the transaction.

In regard to claim 13, the reference discloses streaming a portion of the broadcast segment as context information. A "video clip of the selected moment of the program may be displayed" (Col 6, Lines 59-60).

In regard to claim 20, Voyticky et al. discloses a method and apparatus that enables a user to store "event information" while watching a television broadcast so as to obtain information on and purchase products which attracted their interest. The reference fails to explicitly disclose network connection provided by a cable modem connection. However, the examiner gives OFFICIAL NOTICE that it is notoriously well use a cable modem connection so as to provide a high-speed network connection. Consequently, it would have been clearly obvious to one of ordinary skill in the art to implement Voyticky et al. with a cable modem connection for the stated advantage.

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**Conclusion**

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure as follows.


- The Kelly et al. (US Pat No. 5,907,322) reference discloses television event marking system.

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to John Manning whose telephone number is 703-305-0345. The examiner can normally be reached on M-F: 7:30 - 5:00 (off every other Wednesday).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John W Miller can be reached on 703-305-4795. The fax phone numbers for the organization where this application or proceeding is assigned are 703-746-9695 for regular communications and 703-746-9695 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to customer service whose telephone number is (703) 308-HELP.

JM  
February 6, 2004

  
JOHN MILLER  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600